

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Courts
Southern District of Texas
FILED

MAR 09 2011

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA

v.

**JOSE MIGUEL TREVINO,
JOSE GARCIA PARDO,
aka El Chino;

defendants.**

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CRIMINAL No. H-11-83S

SUPERSEDING INDICTMENT

THE GRAND JURY CHARGES THAT:

COUNT ONE

(Conspiracy to Possess with Intent to Distribute Cocaine)

From on or about December 8, 2010 through on or about January 13, 2011, in the Houston Division of the Southern District of Texas, the defendants,

**JOSE MIGUEL TREVINO , and
JOSE GARCIA PARDO**

did knowingly and intentionally combine, conspire, confederate, and agree with persons known and unknown to the Grand Jury, to possess with intent to distribute a controlled substance, that is, five (5) kilograms or more of a mixture and substance containing a detectable amount of cocaine, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(a); all in violation of Title 21, United States Code, Section 846.

COUNT TWO

(Aiding and Abetting Attempted Possession with Intent to Distribute Cocaine)

On or about January 13, 2011, in the Houston Division of the Southern District of Texas, the defendants,

**JOSE MIGUEL TREVINO , and
JOSE GARCIA PARDO,**

aiding, abetting, and assisting others known and unknown to the Grand Jury, did knowingly and intentionally attempt to possess with intent to distribute a controlled substance, that is, five (5) kilograms or more of a mixture and substance containing a detectable amount of cocaine, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(a); all in violation of Title 21, United States Code, Section 846 and Title 18 United States Code, Section 2.

COUNT THREE
(Conspiracy to Commit a violation of 18 United States Code § 924(c))

From on or about December 8, 2010 through on or about January 13, 2011, in the Houston Division of the Southern District of Texas, the defendants,

**JOSE MIGUEL TREVINO, and
JOSE GARCIA PARDO,**

did knowingly and intentionally combine, conspire, confederate, and agree with persons known and unknown to the Grand Jury, to use and carry a firearm, to wit:

- (a) a Rossi Revolver, Model 68, .38 Caliber;
- (b) a Masterpiece Arms Semi-automatic Assault Pistol, Model MPA 30, .9mm Caliber;
- and
- (c) a Savage Arms, Model 940, 12 gauge caliber Shotgun;

during and in relation to a drug trafficking crime, that is, a violation of Title 21 United States Code, Section 846, as set forth in Counts One and Two of this Indictment, which are felonies prosecutable in a court of the United States, and to possess said firearms in furtherance of such crimes, in violation of Title 18 United States Code, Sections 924(c)(1)(A); all in violation of Title 18, United States Code, Section 924(o).

COUNT FOUR
(Aiding and Abetting a violation of 18 United States Code § 924(c))

On or about January 13, 2011, in the Houston Division of the Southern District of Texas, the

defendants,

**JOSE MIGUEL TREVINO, and
JOSE GARCIA PARDO,**

aiding, abetting, and assisting others known and unknown to the Grand Jury, did knowingly and intentionally use and carry a firearm, to wit:

(a) a Rossi Revolver, Model 68, .38 Caliber;

(b) a Masterpiece Arms Semi-automatic Assault Pistol, Model MPA 30, .9mm Caliber;

and

(c) a Savage Arms, Model 940, 12 gauge caliber Shotgun;

during and in relation to a drug trafficking crime, that is, a violation of Title 21 United States Code, Section 846, as set forth in Counts One and Two of this Indictment, which are felonies prosecutable in a court of the United States, and did possess said firearm in furtherance of such crimes, in violation of Title 18 United States Code, Sections 924(c)(1)(A); all in violation of Title 18, United States Code, Section 2.

NOTICE OF CRIMINAL FORFEITURE
(21 U.S.C. § 853 and 18 U.S.C. § 924)

Pursuant to Title 21, United States Code, Section 853, as a result of the commission of a violation of Title 21, United States Code, Sections 846, 841(a)(1) and 841(b)(1)(A)(ii) notice is given that the defendants,

**JOSE MIGUEL TREVINO, and
JOSE GARCIA PARDO,**

shall forfeit to the United States of America-

1. any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such violation; and
2. any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violations.

Moreover, pursuant to Title 18, United States Code, Section 924(d)(1), and Title 28, United

States Code, Section 2461(c), the United States of America hereby gives notice that all firearms and ammunition involved in, or used in the commission of the offense in violation of Title 18, United States Code, Section 924 charged in Counts Three and Four, is subject to forfeiture, including, but not limited to, the following:

- (a) a Rossi Revolver, Model 68, .38 Caliber;
- (b) a Masterpiece Arms Semi-automatic Assault Pistol, Model MPA 30, .9mm Caliber;
- and
- (c) a Savage Arms, Model 940, 12 gauge caliber Shotgun;

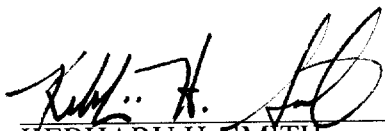
A TRUE BILL

ORIGINAL SIGNATURE ON FILE

FOREPERSON OF THE GRAND JURY

JOSE ANGEL MORENO
United States Attorney

By:


KEBHARU H. SMITH
Assistant United States Attorney